

AUG 24 1972

D.J. 166-012-3

Mr. J. F. Ariail
City Clerk
City of Thomasville
Municipal Building
Thomasville, Georgia 31792

Dear Mr. Ariail:

This is in reference to Act No. 765 of the 1968 Georgia General Assembly which changes the method of electing members of the Board of Education in the City of Thomasville, which you submitted to the Attorney General pursuant to Section 3 of the Voting Rights Act of 1965. Your submission, originally received on April 10, 1972, was completed on June 26, 1972.

After carefully considering the proposed change, the supporting material and information obtained from other sources, we are unable to conclude, as we must under the Voting Rights Act, that this plan does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color. I must, therefore, on behalf of the Attorney General, interpose an objection to the implementation of this plan.

The act involved in this submission changes the method of electing school board members in Thomasville from an at-large system requiring a plurality to elect to an at-large system requiring a majority to elect in

addition to requiring candidates to run for numbered posts. The effect of changing from the plurality system previously in effect for election to the Board of Education to a system requiring candidates to run for numbered posts and to obtain a majority of votes cast well may be to eliminate the potential for a political or racial minority to elect a representative which existed under prior law. Such a dilutive effect, as applied to racial minorities, has been recognized by various courts. See, e.g., Graves v. Barnes, (U.S. Texas No. A-71-CA-142, Jan. 27, 1972), Slip Opinion at pp. 37 and 38; Dunston v. Scott, (U.S. N.C. No. 2606-Civil, Jan. 10, 1972), Slip Opinion at 17, n. 9; and Sims v. Amos, (U.S. Ala., No. 1744-N, Jan. 3, 1972). Indeed, the results of elections already held under Act 765 in Thomasville, which you furnished in connection with the submission, would seem to confirm the existence of the dilution of black voting strength which these decisions describe.

We can appreciate the difficulties which may be occasioned by the determination reached in this matter. Under the circumstances here involved, however, we are persuaded that the Voting Rights Act requires this result.

Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that this plan neither has the purpose nor will have the effect of denying or abridging

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the right to vote on account of race. Until such a judgment is rendered by that court, however, the legal effect of the objection of the Attorney General is to render unenforceable this change in the method of electing members of the Board of Education in Thomasville.

Sincerely,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division